

Regular Meeting of Tuesday, October 23, 2007

City Council Chambers, One Twin Pines Lane

SPECIAL MEETINGS

CLOSED SESSION - 6:45 P.M.

- A. Conference with Labor Negotiator, Jack Crist, pursuant to Government Code Section No. 54957.6: MMCEA

Attended by Councilmembers Dickenson, Feierbach, Mathewson, Lieberman, City Manager Crist, City Attorney Zafferano, Interim Human Resources Director Frisbie, Community Development Director de Melo, and Police Chief Mattei. Councilmember Warden was absent and City Clerk Cook was excused from attending.

ADJOURNMENT at this time, being 7:30 P.M.

Terri Cook

City Clerk

This meeting not tape recorded or videotaped.

REGULAR MEETING - 7:40 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Dickenson, Lieberman, Feierbach, Warden, Mathewson

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Crist, City Attorney Zafferano, Community Development Director de Melo, Police Chief Mattei, Finance Director Fil, Public Works Director Davis, Co-Interim Parks and Recreation Director Ourtiague, City Clerk Cook.

REPORT FROM CLOSED SESSION

City Attorney Zafferano reported that direction had been given but no action taken during the closed sessions held earlier.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Mary Ridge, Belmont resident, spoke regarding an issue she brought up several weeks ago at a Council meeting. She noted the letter she received from the police department regarding her recent issues with that department (on file in City Clerk's office). She described her neighbor who has many vehicles on his property. Her fence needs to be repaired and she needs information to file an insurance claim. She also shared a letter regarding motorcycle noise (also on file in City Clerk's office).

Mallory Barr, Notre Dame de Namur University (NDNU) Student Body President, invited the public to attend a City Council Candidate Forum to be held on campus on October 25.

Michael Chanteloup, San Mateo resident, stated that he drives a transit bus that traverses Alameda de las Pulgas on a regular basis. He recommended that the lane striping on Alameda be modified, and a stop sign relocated. He stated that a parked truck he has complained about has finally been moved. He commented that there are no statistics for near-miss accidents.

Councilmember Warden noted that the restriping of Alameda de las Pulgas is scheduled for an upcoming Council meeting.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Feierbach announced a ribbon cutting for the Kiosk on Alameda de las Pulgas on November 3rd. She also announced that the Parks and Recreation Commission would be holding a special meeting to seek input from neighbors of the undeveloped Davey Glen Park that same day. She reminded voters about the upcoming municipal election on November 6th.

CONSENT CALENDAR

Acceptance of Informational Report on Use of Solid Waste Management Reserve Fund.

Approval of Resolution 9938 of the City Council of the City of Belmont Accepting the Work, Approving As-Built Plans, and Authorizing the Issue of Notice of Completion for the Police Department Annex Landscape Project to Pacheco Brothers Gardening, City Contract Number 471

Approval of Resolution 9939 Authorizing a Second Amendment to the Agreement with the County of San Mateo for the Provision of Animal Control Services

Approval of Resolution 9940 Authorizing the Acceptance of a Donation in the Amount of \$5,000 from the Belmont Rotary Club to the Belmont C.E.R.T. Program for the Purchase of a Disaster Response Trailer

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Mathewson, the Consent Agenda was unanimously approved by a show of hands.

Councilmember Dickenson thanked the Belmont Rotary Club for its contribution towards the acquisition of the C.E.R.T. trailer.

City Clerk Cook noted that a formal presentation by the Rotary Club would be made at the next Council meeting.

HEARINGS

Public Hearing to Adopt the 2007 Edition of the California Building Code

Building Official Nolfi stated that new State Building Codes would become effective on January 1, 2008. He described the various codes that would be incorporated. Belmont last adopted its Code in 2001. He clarified that cities adopt administrative codes to cover areas such as inspections, fees, code enforcement, and abatement of dangerous conditions.

In response to Councilmember Lieberman, Building Official Nolfi clarified that he would recommend amendments if he felt they were warranted, but none are recommended at this time. He further clarified that the intent is to provide seamlessness among cities regarding building codes.

Mayor Feierbach opened the Public Hearing. No one came forward to speak.

ACTION: On a motion by Councilmember Mathewson, seconded by Councilmember Dickenson, the Public Hearing was unanimously closed by a show of hands.

ACTION: On a motion by Councilmember Mathewson, seconded by Councilmember Lieberman, and unanimously approved by a show of hands to approve an ordinance adopting the 2007 California Building Code, to waive further reading, and to set the second reading and adoption for November 13, 2007.

OLD BUSINESS

Discussion and Direction on Ralston Avenue and South Road Round-About Project

Public Works Director Davis described the options regarding the intersection of South Road and Ralston Avenue. He noted that the two viable options are either a signal or a round-about. He stated that 25,000 vehicles travel Ralston Avenue on a daily basis, and the accident rate is high for a controlled intersection. He described the differences between a round-about and a signal, including emissions, fuel consumption and safety. He recommends the retention of a consultant to model a round-about for this intersection.

In response to Councilmember Mathewson, Public Works Director Davis responded that traffic at Sixth Avenue would likely be affected by changes at South Road, but other streets farther west would not likely be affected. A simulation and modeling could address this.

Mayor Feierbach noted that a request was made of the president of the Central Neighborhood Association that it be given the opportunity to provide input.

In response to Councilmember Lieberman, Public Works Director Davis noted that a signal would be installed at the round-about that would be activated for emergency vehicles.

Councilmember Lieberman stated that the intersection Sixth and Ralston Avenues has an impact on traffic flow.

Jacki Horton, Belmont resident, stated that other intersections besides South Road should be considered when addressing this issue. There are no breaks in traffic along Ralston Avenue, which poses a problem for streets west of South Road, including the entrance to Notre Dame de Namur University. She would like more controlled intersections as a way to slow down traffic. She expressed concerns regarding pedestrian safety.

Councilmember Warden stated that signaled intersections are dangerous. The more houses that are built, the more cars there will be. He recommended including copies of the previous traffic study when revisiting this issue. He expressed concerns regarding the inability to install a temporary round-about, but stated there is value in a simulation. He recommended also modeling a signal as well.

Councilmember Lieberman stated that Sixth Avenue likely has a large impact on South Road. The existing stop sign does not help alleviate the long line of cars. There is a need for a comprehensive solution, and he supports the simulation.

In response to Mayor Feierbach, Public Works Director Davis clarified that the University's master plan approval included payment for a signal at South Road.

Councilmember Mathewson suggested including westbound traffic flows and the impact of streets west of South Road when performing the simulations.

Discussion and Direction on the Structures of Historic or Aesthetic Value Ordinance (Municipal Code Section 7, Article VII, 7-179- 7-191)

Community Development Director de Melo stated that the Historic Resources document was last updated in 1992. He described the documents available, including the resource inventory list. He recommended updating the inventory in conjunction with the General Plan update. The Planning Commission placed historic resources high on its list of priorities. The current ordinance and plan contains ambiguous language and definitions. The existing inventory list provides a good base. Direction is needed regarding the list of stakeholders to be involved, and whether or not the Council supports hiring a consultant to assist with this project. There is \$25,000 budgeted for this project.

Denny Lawhern, President, Belmont Historical Society, supports an update of this ordinance. He noted that the Historical Society submitted a letter to the City Council in 2005 (on file in City Clerk's office), urging that the historic resources inventory be updated. He recommended establishing a committee consisting of a cross-section of the community, including commissioners. He noted that some of the resources listed in 1991 no longer exist.

Christine Wozniak, Belmont resident/Planning Commissioner, stated that historic resources are an important part of the community. She noted that some newer buildings could be added to the list. She supports a citizen's task force. The Planning Commission has experienced a stumbling block using the existing guidelines.

Broderick Page, Belmont resident, stated that he owns an historic home. He noted that owners of historic homes are major stakeholders.

Mayor Feierbach supported the inclusion of owners of historic homes on this matter. She also recommended including the Historical Society, members of the Visioning group, and the neighborhood associations. In response to her inquiry regarding criteria, Community Development Director de Melo explained that it includes both community and historical context.

Councilmember Warden expressed support for outreach to current owners of historic homes, but noted that they cannot all be members of the task force. There may be a need to consider home sale disclosures in the future.

Councilmember Mathewson concurred that the Planning Commission should be involved in this matter, as this is a subject that they need to address on occasion.

Council concurred to hire a consultant to work on this project.

NEW BUSINESS

Resolution Establishing a Citizens' Green Advisory Committee

City Manager Crist stated that global warming is a big issue. Belmont has a low carbon footprint, but more could be done. He outlined recent actions of the City Council to address environmental issues.

In response to Councilmember Mathewson, City Attorney Zafferano clarified that meeting agendas would need to be posted and minutes prepared if it is a standing committee. He noted that ad hoc committees usually have a limited duration.

Council concurred regarding the recommended makeup of the committee.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Lieberman, Resolution 9941 Establishing a Citizens' Green Advisory Committee, as recommended, was unanimously approved by a show of hands.

Report on City Facilities Energy Audit

Project Manager Mittelstadt noted that the report contains an energy assessment made through March of this year. Several City-owned sites were selected, and the focus of the audit was lighting and HVAC (heating, ventilation, air-conditioning) systems. Implementation of the recommendations can result in significant savings over the course of several years. He added that rebates may be available to assist with costs.

In response to Council questions, Project Manager Mittelstadt clarified that the light fixtures at the Sports Complex were retrofitted with louvers, and any other changes in the brightness of the lights could affect safety. He also clarified that an LED (light emitting diode) study was not made on building lights, because they are used only for traffic signals and some street lights.

Councilmember Dickenson stated that there is new technology in fluorescent lighting, and new technologies are still being developed. Belmont is one of the cities taking the lead to address this issue.

Councilmember Lieberman expressed concerns regarding the calculation table contained in the report. Staff advised that this would be reviewed and modified, if necessary.

Discussion and Direction for City Library Solar Photovoltaic System Installation

Acting Assistant to the City Manager Saguisag-Sid stated that the environment is a key component of Belmont's Vision statement. A consultant has offered a free preliminary review of potential sites for the installation of solar panels. A number of City-owned buildings were reviewed, and she outlined the pros and cons regarding installation at these sites. The new library building was chosen, and other buildings could be selected for future installation.

City Manager Crist noted that a primary criterion for the library installation is that there is no penetration of the roof required. Costs are financed through energy savings.

Councilmember Warden expressed concern regarding the length of payback, and recommended it be no longer than 15 years. He is concerned regarding long-term maintenance costs. City Manager Crist clarified that the solar panels should outlive the financing period.

Councilmember Dickenson stated that net metering legislation is still a pending option, not only for government entities, but private organizations as well. Negotiations are underway among several cities with PG&E to look into a wholesale power purchasing agreement. He described some of the existing private power purchase agreements, but noted he would not support the City entering into a similar agreement.

Councilmember Lieberman stated that the Finance Commission studied solar issues in the past. Private funding is an option and may have a shorter payback. He also expressed concern regarding a long payback period.

Councilmember Warden suggested that the Finance Commission review this issue. Council concurred.

Councilmember Mathewson stated that operation and maintenance costs, as well as consultant costs, should be included in future financial reviews.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Financial Reports and Audit Recommendations, June 30, 2007

Councilmember Dickenson stated that he, Councilmember Lieberman, and City Treasurer Violet comprise the newly-formed audit committee. The audit report was reviewed with the auditor.

Councilmember Lieberman noted that the committee has discussed recruitment of a consultant.

City Treasurer Violet noted that when the role of the Finance Commission changed, the audit committee was formed. He clarified that tonight's action is the receipt of the report and the implementation of the recommendations of the auditor.

ACTION: On a motion by Councilmember Mathewson, seconded by Councilmember Lieberman, the Financial Report and Audit Recommendations for June 30, 2007 was unanimously accepted.

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Discussion regarding invitation from Utah Department of Health regarding smoking ordinance (Lieberman)

Councilmember Lieberman stated that the City Council had received an invitation from Utah's Department of Health to send a representative to their upcoming workshop to address the process of the enactment of smoking ordinance. He suggested that Mayor Feierbach attend the conference.

Mayor Feierbach declined to participate. Councilmember Lieberman stated that the next mayor should go in her place.

Councilmember Warden stated that whoever goes should be someone who voted in favor of the ordinance, or it should be the City Manager or the City Attorney. Councilmember Lieberman noted that the invitation was made to the City Council, not staff.

ACTION: Councilmember Lieberman made a motion, seconded by Councilmember Dickenson, that the delegate to the Utah conference be whoever is the Mayor in January of 2008.

ACTION: Councilmember Warden made a substitute motion, seconded by Councilmember Mathewson, that the delegate to the Utah conference be Councilmember Warden.

Mayor Feierbach questioned how one would defend the ordinance if one didn't vote in favor of it. Councilmember Lieberman responded that the Utah Department of Health is seeking an understanding of the process. Mayor Feierbach suggested that they be consulted to ascertain whether or not it would be acceptable to send a staff member.

ACTION: Councilmember Warden withdrew his substitute motion.

ACTION: On a motion by Councilmember Mathewson, seconded by Councilmember Dickenson, and unanimously approved by a show of hands to consult with the Utah Department of Health regarding who would be an acceptable delegate to the conference.

Council consideration to place a measure on a 2008 ballot which will insure that the use of any open space or parks that the city owns will not be changed without the vote of the people (Feierbach)

Mayor Feierbach noted that the issue regarding future changes to parks or open space was initially considered with Measure F in 2005, but was eliminated from that initiative. There is a need to address this matter, following the Sports Complex issue earlier in the year.

Broderick Page, Belmont resident, stated that existing parks are not being maintained. He expressed concern regarding resources to address this issue, and recommended using that money to refurbish what we have.

Christine Wozniak, Belmont resident, stated that losing parks is expensive. Belmont lost a park when it sold off rights to the McDougal Park during daytime hours. There is pressure for development. She recommended surveying the citizens. It is good to raise the issue. She concurs that there is a need to improve the existing parks. She noted a Daily Journal poll which indicated that 85 percent would support such an initiative. She noted that many fields are owned by the school district.

Councilmember Warden stated that this issue has been raised in the past. The Sports Complex issue highlights the need to address this matter. An initiative would likely pass.

In response to Councilmember Lieberman, City Attorney Zafferano noted that this would involve a significant amount of staff work.

Council concurred to have staff bring back a report on this matter.

ADJOURNMENT at this time, being 9:55 P.M.

Terri Cook

City Clerk